

ASSEMBLY BILL

No. 1706

Introduced by Assembly Member Chávez

January 25, 2016

An act to amend Section 3003 of the Government Code, and to amend Section 532b of the Penal Code, relating to military fraud.

LEGISLATIVE COUNSEL'S DIGEST

AB 1706, as introduced, Chávez. Military fraud.

Existing law requires certain elected officers to forfeit their office upon the conviction of a crime pursuant to the federal Stolen Valor Act of 2005 that involves a false claim of receipt of any military decoration or medal, as specified, or the California Stolen Valor Act that involves a false claim, made with the intent to defraud, that the person is a veteran or a member of the Armed Forces of the United States. Existing law, the federal Stolen Valor Act of 2013, prohibits a person, with the intent to obtain money, property, or other tangible property, from fraudulently holding oneself out to be a recipient of a military decoration or medal, as specified.

This bill would instead require these elected officers to forfeit their office upon the conviction of a crime pursuant to the federal Stolen Valor Act of 2013 or the California Stolen Valor Act that involves a fraudulent claim, made with the intent to obtain money, property, or other tangible benefit, as defined, that the person is a veteran or a member of the Armed Forces of the United States, as prescribed in those acts.

Existing law makes it a misdemeanor for a person to falsely represent himself or herself as a veteran or member of the Armed Forces of the United States in connection with specified acts. Existing law provides

that any person who, orally, in writing, or by wearing any military decoration, falsely represents himself or herself to have been awarded any military decoration, with the intent to defraud, is guilty of a misdemeanor.

This bill would conform those provisions to the federal Stolen Valor Act of 2013, and impose a misdemeanor only if the prescribed actions described above are made with the intent to obtain money, property, or other tangible benefit, as defined. The bill would expand the above-described crime related misrepresentation to a person who falsely represents himself or herself as a veteran or member of other specified armed forces with the intent to obtain money, property, or other tangible benefits. The bill would additionally make it a misdemeanor for a person to misrepresent himself or herself as a member or veteran of specified armed forces in connection with certain acts, such as, among other things, the forgery or use of falsified military documentation, or for purposes of employment or promoting a business, charity, or other endeavor, as prescribed.

By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3003 of the Government Code is amended
2 to read:
3 3003. (a) An elected officer of the state or a city, county, city
4 and county, or district in this state forfeits his or her office upon
5 the conviction of a crime pursuant to the federal Stolen Valor Act
6 of 2013 (18 U.S.C. Sec. 704), ~~that involves a false claim of~~
7 ~~receipt of any military decoration or medal described in that act,~~
8 704) or the California Stolen Valor Act (as specified in Section
9 532b of the Penal Code), that involves a ~~false fraudulent~~ claim,
10 made with the intent to ~~defraud~~, *obtain money, property, or other*
11 *tangible benefit*, that the person is a veteran or a member of the

1 ~~Armed Forces. As used in this section, “district”~~ *Forces of the*
2 *United States, as prescribed in those acts.*

3 *(b) For purposes of this section, the following terms shall have*
4 *the following meanings:*

5 *(1) “District” means any agency of the state formed pursuant*
6 *to general law or special act, for the local performance of*
7 *governmental or proprietary functions within limited boundaries.*

8 *(2) “Tangible benefit” means financial remuneration, an effect*
9 *on the outcome of a criminal or civil court proceeding, an effect*
10 *on an election, or any benefit relating to service in the military*
11 *that is provided by a federal, state, or local governmental entity.*

12 SEC. 2. Section 532b of the Penal Code is amended to read:

13 532b. (a) Any person who ~~falsely fraudulently~~ represents
14 himself or herself as a veteran or ex-serviceman of any war in
15 which the United States was engaged, in connection with the
16 soliciting of aid or the sale or attempted sale of any property, is
17 guilty of a misdemeanor.

18 (b) Any person who ~~falsely fraudulently~~ claims, or presents
19 himself or herself, to be a veteran or member of the Armed Forces
20 of the United States, *the California National Guard, the State*
21 *Military Reserve, the Naval Militia, the national guard of any other*
22 *state, or any other reserve component of the Armed Forces of the*
23 *United States, with the intent to defraud, obtain money, property,*
24 *or other tangible benefit, is guilty of a misdemeanor.*

25 (c) (1) Except as provided in paragraph (2), any person who,
26 orally, in writing, or by wearing any military decoration, falsely
27 represents himself or herself to have been awarded any military
28 decoration, with the intent to ~~defraud, obtain money, property, or~~
29 *other tangible benefit, is guilty of a misdemeanor.*

30 (2) This offense is an infraction or a misdemeanor, subject to
31 Sections 19.6, 19.7, and 19.8, if the person committing the offense
32 is a veteran of the Armed Forces of the United States.

33 ~~(3) For purposes of this subdivision, “military decoration” means~~
34 ~~any decoration or medal from the Armed Forces of the United~~
35 ~~States, the California National Guard, the State Military Reserve,~~
36 ~~or the Naval Militia, or any service medals or badges awarded to~~
37 ~~the members of those forces, or the ribbon, button, or rosette of~~
38 ~~that badge, decoration, or medal, or any colorable imitation of that~~
39 ~~item.~~

1 (d) Any person who forges documentation reflecting the
2 awarding of any military decoration that he or she has not received
3 for the purposes of obtaining money, property, or receiving a
4 tangible benefit is guilty of a misdemeanor.

5 (e) Any person who knowingly, with the intent to impersonate
6 and to deceive, for the purposes of obtaining money, property, or
7 receiving a tangible benefit, misrepresents himself or herself as a
8 member or veteran of the Armed Forces of the United States, the
9 California National Guard, the State Military Reserve, or the
10 Naval Militia by wearing the uniform or military decoration
11 authorized for use by the members or veterans of those forces, is
12 guilty of a misdemeanor.

13 (f) Any person who knowingly utilizes falsified military
14 identification for the purposes of obtaining money, property, or
15 receiving a tangible benefit, is guilty of a misdemeanor.

16 (g) Any person who knowingly, with the intent to impersonate,
17 for the purposes of promoting a business, charity, or endeavor,
18 misrepresents himself or herself as a member or veteran of the
19 Armed Forces of the United States, the California National Guard,
20 the State Military Reserve, or the Naval Militia by wearing the
21 uniform or military decoration authorized for use by the members
22 or veterans of those forces, is guilty of a misdemeanor.

23 (h) Any person who knowingly, with the intent to gain an
24 advantage for employment purposes, misrepresents himself or
25 herself as a member or veteran of the Armed Forces of the United
26 States, the California National Guard, the State Military Reserve,
27 or the Naval Militia by wearing the uniform or military decoration
28 authorized for use by the members or veterans of those forces, is
29 guilty of a misdemeanor.

30 ~~(i)~~

31 (i) This section does not apply to face-to-face solicitations
32 involving less than ten dollars (\$10).

33 ~~(e)~~

34 (j) This section, Section 3003 of the Government Code, and
35 Section 1821 of the Military and Veterans Code shall be known
36 and may be cited as the California Stolen Valor Act.

37 (k) For purposes of this section, the following terms shall have
38 the following meanings:

39 (1) "Military decoration" means any decoration or medal from
40 the Armed Forces of the United States, the California National

1 *Guard, the State Military Reserve, or the Naval Militia, or any*
2 *service medals or badges awarded to the members of those forces,*
3 *or the ribbon, button, or rosette of that badge, decoration, or*
4 *medal, or any colorable imitation of that item.*

5 (2) *“Tangible benefit” means financial remuneration, an effect*
6 *on the outcome of a criminal or civil court proceeding, an effect*
7 *on an election, or any benefit relating to service in the military*
8 *that is provided by a federal, state, or local governmental entity.*

9 SEC. 3. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.